G. R. S. IX-5]

Preserve

Previous references.
Cts 179-18 (1-4)

File No. 1-19

1919.
(Cts)

Serial Nos. 168

Later references.
prot dep no 1219-19

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight

Part B for ~~July~~ 1920.

SUBJECT.

petitions from Bangalore Dr

Sd) To, The Registrar, Chief Court.
" Comptroller
Cts. S (8078-9 d) 6-2-20
Directs that Asst Surgeon Raghava Char
Iyengar Bangalore be suitably warned in
regard to certain irregularities & complaints
of assault made against him & transferred
to some Mofussil Station.

W. P. 1250—G. P. B.—30,000 28-1-19

Dft per —
22/2/20.

(For Disposal at a Meeting)

No. C. 261.

.....19..20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Under clause v of the schedule)

Notice to be taken of the conduct of Mr. A. Srinivasaraghavachar Munsiff, Bangalore, in regard to certain irregularities and complaints of assault made against him.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram
Chief Secretary to Government.

..... 15th November ...1919.

Extraordinary Member of Council.

3392-47. 18.11.19.

First Member of Council. Opinion recorded

Seen
4-12-19.

Second Member of Council. Seen.

1713
15/11/19

Third Member of Council.

16/11/19

G. R. S. III—1] 1919-20.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 1-19

FILE HEADING.

Petitions from Bangalore Dt.

From

Lakshminarasappa, Shershagne of Doddaballapur

No. Interim Petn. Dated 27-6-19 Received 1-7-1919

Diary No. 1	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Makes certain allegations against the City Munsiff, Bangalore & requests sanction to prosecute the officer for assault

NOTES AND ORDERS.

1) Dewan's order

"To the 1st member with compliments. The allegations are serious and enquiry may be ordered to be made in the first instance by the Chief Court

NOTES—First Sheet.

G. R. S.-III-2]

General and Revenue Secretariat. | cs File No. 1 of 191 9.

Serial No.

is the members approves
Initd) R. R. B.

2) Chief Secy.
Submit to first member
Initd) C. S. B.

3) Submd. with a draft for approval or other orders.
86
2/7/19
Asst 3/7
4/7

4) The question of the necessity or otherwise for sanction to prosecute in such cases is discussed in cs. 175-18, 104 part up. to the Registrar
Asst 4/7

5) Draft Circl calling for reports is subd for appl. of Govt. Sanction where it is necessary in this cases.
D. M. 7/7

1028/8/7/19 I Member

6) Letter have the sanction. Draft as wording given.
B. 9.19
Asst

2 2

The Registrar, Cch Court
Memo. 1206 of 15-7-19
forwards Copy of the petition for enquiry and report in the matter

Secy
8/7

NOTE—Contn. sheet.

Chief Secy
JUL 1919

G. R. S. III-2]

13

General and Revenue Secretariat. | File No. 1 of 1919.

Serial No. 3.

From

The Registrar of the Chief Court of Mysore

D2 Dis No 257/19-20 dated 13/15 Aug 19.

forwards a ~~report~~ Copy of the report no 23 dated 8th Aug 19 Submitted by the Dist. Judge of Bangalore together with its enclosures, in the matter of alleged assault of one Lakshminarasaiya by Mr. A. Srinivasa raghavachar, First Munsiff of Bangalore.

7. Submitted for Orders, Canvass with reference to paras 1 and 6 above.

KR 21/8/19 Asst 21/8

8) The Registrar says that the Munsiff cannot be acquitted of carelessness. From a perusal of the report made by the District Judge, it seems rather difficult to believe that the Munsiff has not interested himself in the case.

(1) Since the case was decreed by the II Munsiff, the I Munsiff had no jurisdiction to ~~entertain~~ allow execution proceedings before the transfer of the decree to his court. But before the receipt of the transfer records, the party filed the execution application in the I Munsiff Court. The Hd. Munsiff

Serial No.

officer admitted that, which he ought not to have done under the rules, and the Munsiff passed orders on the same day in favour of the decree holder. This action is manifestly irregular.

(2) Again, it is not usual to issue two warrants, for attachment of moveables & arrest, against the defendant at one and the same time as the Munsiff is reported to have done in this case.

(3) It is also unusual to advance an execution case & take it up one month previous to the date fixed for hearing.

(4) The civil courts' machinery seems to have moved with extraordinary speed from start to finish in this case.

(5) There is also another irregularity in this case. Notice of execution was not necessary under O. XXI R. 22 of the Civil P. Code as stated by the Munsiff in his letter dt. 5th August 19, (X) as show-cause notices under O. XXI R. 37 ought to have been issued by the Munsiff, under G.O. Lr. No: 224 & 24th August 1912 (vide p. 36 of the Civil Digest). Perhaps the Munsiff waived to exercised his discretion in favour of the decree holder. But if so,

(X) H: G

(X) H: C

G. R. S. III-2]

General and Revenue Secretariat. | Ch' File No. 1 of 191 9

Serial No.

he ought to have briefly recorded his reasons for dispensing with the said notice as required by the Chief Court rules.

9) As regards the sanction asked for by the petr, the acts complained of are not such in regard to which any sanction is required under S. 197 of the Criminal Proc. Code. Kind reference is invited to the marginally noted decisions of the Chief Court.

10) Subd for orders with reference to paras 1 & 6 of the note.

D. M. 23/8

Chief Secy.

II Member 11) The munsiff's ~~denial~~ of the assault to maybe ~~accepted~~ as more ~~likely~~ probable true than the petitioner's statement. Possibly before the decreeholder may have had an altercation & perhaps the munsiff's name has been dragged in.

12) Still the munsiff seems to have acted in the execution case with some amount of carelessness - The Chief Court maybe asked to warn him in regard to this.

→ Flags.
X XV Mys. C. C. R. p. 134
XXIV " " p. 16

Office to kindly lay the refces
D. M.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | 15 File No. 1 of 1919.

Serial No.

13) As regards prosecution, the matter is not one in which sanction is necessary & the party may be left to do what he thinks best.

1064/1.9.19

2nd member

28/8/19

14) What is his explanation for taking his judgment debtor's money without his consent & his cause

15) The question needs to be considered as to whether he may be called upon. In his answer he admits receipt of the money but pleads that he was entitled to do so as a set-off against his claim

8/9/19

16) Attorney

17) Draft.

18) Submitted with drafts as per Orders.

1378/16.9.19

19) Draft letter to the Respondent & endorsed to the Petitioner are submitted for perusal & approval

11/9/19

II Member 20) Revised draft put up

19/9/19

21) Secretary 17/9

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—29-1-18—S

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 1 of 1919.

Serial No.	
4	To, Lakshminarasappa, Shanbhogue of Doddabidarakal, Bangalore, No. G. 7172 & 19-9-19 informs that no Sanction of Govt. is necessary for the prosecution
5.	To the Registrar, Chief Court of Mysore G. 7173 & 19-9-19 requests to forward Execution records in the case with the Explanation of the Munsiff on the following points:- (1) the reason for not complying with the provisions of the Chief Court Circular No. 224 & 24-8-19 before the warrant of arrest was issued (2) the reason for taking the judgment debtor to the house of the Munsiff
6	From the Registrar of the Chief Court of Mysore R.O.C. No. 407 of 19-20 & the 6/8th Oct. 19. forwards the Execution Records called for together with the explanation of the Munsiff on the point raised
22)	Submitted with reference to paragraphs (14) & (15) supra
23) 8/10/19	The explanation of the Munsiff in regard to the two points referred to are:- (1) That under C.L. No 123 of 27.3.96 the practice has been to issue

3355/6069 (8

G. R. S. III-2]

General and Revenue Secretariat. | Ch File No. of 1919.

Serial No.

arrest notices only in the case of respectable persons & that a notice was not sent in the present instance as the executing officer did not share the judgment debtor's ~~contemptible~~ status; and

(2) That the judgment debtor was not taken to his house at all.

Asst 20/10 24) It is rather surprising that the Munsiff wants to rely on C.L. 123 of 1896. Certainly it cannot be said to supersede C.L. no. 224 of 1912 the provisions of which are plain. No ~~explanation~~ explanation seems to be opposed to are recognised canons of interpretation.

25) Again, every person is to be presumed to be respectable until it is shown to the contrary. If in any particular case a D.M. wants the debtor to be arrested without notice, it is his duty to say so in his application & to assign a proper reason to support it so that the Court may dispense with the necessity of issuing a notice.

26) There is another reason in this case why notice should have issued in the first

(C.

G. R. S. III-2]

General and Revenue Secretariat.

C/ File No. 1 of 1919.

Serial No.

The D. H. has asked for an order to break open the lock so to deliver the house. He has produced no affidavit in this respect, and it would have been well if the Munsiff had issued a notice beforehand.

2) The order sheet in this Ex^t case shows that the Munsiff has passed orders on the 16th of June 19. He does not say that he passed orders on the next day. He says that the order must have been initialled by him on the 17th June; but if so it is not clear why he has not dated it. In any case, it is certain that action was taken before the decree, which was passed by the II Munsiff, was returned transferred to the I Munsiff as required by law. The II Munsiff's letter forwarding the decree copy was received by the I Munsiff only on the 17th June i.e. after he had passed orders on the Ex^t appn. Everybody knew that the decree had been passed by the II Munsiff. The decree holder produced no copy of the decree & nothing is said in the order sheet about it.

6069

R. S. III-2]

General and Revenue Secretariat. | Ch File No. of 1919.

Serial No.

and under these circumstances it is impossible to justify the order passed by the munsiff before the receipt of the transfer record from the Court which passed the decree.

29) As regards the question why the Judgment debtor after his arrest was taken to the munsiff's house, the munsiff does not admit it. But the statement of P.W. Subramanya Bhatta points to the contrary & hence is invited in this connection to the remarks made by the District Judge in paras 3, 5 & 6 of his letter dt. 8th August 19.

5 Flag W.

29) Subject for orders

D. M. 3/11

2063 4-11-19

II Member

30) As regards query I, the explanation of the munsiff may be accepted. It does not appear to be the practice in this Court to issue notices before admission in all cases the attention of the Registrar Muzaffarnagar has been drawn to the establishment & notice of such irregularities in the

NOTE—Contn. sheet.

General and Revenue Secretariat. | ch File No. of 1919.

Serial No.

case & respectable persons only.

31) As regard query II, his explanation is not to my satisfaction. As his explanation has enhanced his liability more than his previous debts was taken when case first from his depositions it appears that he had his property than his previous debts had come to his share. It cannot however be said that his previous debts was mingled with those of his partners & his liability.

32) It seems that his explanation is not in his case, viz his [illegible] entertainment & his succession appeal. His legal his receipt & his [illegible] in the hand found there and his each in [illegible] Nos (2) his Omissions to assess not & assets legal remained was issued (3) ~~his pending & his [illegible] hundred at no & his [illegible]~~ his case & enquiries proves without special not — and due to other zamindars were in [illegible] & his subordinates & his Munsif and Deputy-Tahsildar & his [illegible] & his [illegible] But as in

6069

General and Revenue Secretariat.

C/5 File No. 1 of 1917.

Serial No.

Remarked by his Majesty that Mr. Mukerji cannot be acquitted of careless-ness. As year in charging his court, it was his duty to look to these things himself and when he placed so much trust in his officials as he appears to have done, he was bound to satisfy himself that the accounts were kept in such a manner as to show at all times what his responsibility was. His Majesty desires that he may be warned as suggested by his Majesty's Secretary & he should be informed from Bangalore

Sd/-

7/11/19

DEWAN'S OFFICE.
Recd. on NOV 11 1919
Reg. No. 3158

33) Please submit this document.

Dewan

34) C&S 10/11/19

D. M. 10/11

35) I should like this file to be carried in Council after circulation

Sd/-

12-11-19

12/11/19.

C&S 36) circulate C&S 14/11/19

37) I agree with the Secretary

Sd/-

4.12.19.

NOTE—Contn. sheet.

C. 261

13

Extract from the Proceedings of the 513th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 18th December 1919. 1919.

6. Subject. - Clause v of the schedule.

Notice to be taken of the conduct of Mr.A.Srinivasaraghavachar, Munsiff, Bangalore, in regard to certain irregularities and complaints of assault made against him.

Opinion of the Council.

Mr. Srinivasaraghavachar may be warned in regard to the carelessness exhibited in the case and transferred from Bangalore.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

C S Balasundaram

Chief Secretary to Government.

WD 1233—GPB—60,000—1-12-16—S.

6007

G. R. S. III-2]

General and Revenue Secretariat.

C. 261

To File No. 1919.-20.

124

Serial No.

To the Asst Secretary, Branch III (Protection) for kindly submitting the file to the Second Member of Council with a draft Final Note.

22/12

1) Please put up W.T.U. & W.S.U.

D. M. 23/12

2) Submitted with a D.F.N. & D.S.N. as per order above

23/12/19

3) Submitted with a fair copy of the Final Note as revised

24/12

4) Please put up as fresh W.T.U. as orally instd. D. M. 2/1/20

5) Submitted with a fresh D.F.N. as per order above.

6/1/1920

6) Send with W.T.U. D. M. 9/1

II Member

44) Amended draft D.F.N. put up

Laid 16/1

45) D.S.N. Sent.

Dewan

DEWAN'S OFFICE.
Recd. on JAN 17 1920
Reg. No. 4768

Please fair copy the final note as revised

24/12

Please flag all cases orally referred to me

D. M. 9/1

3257 / 20.1.1920

47) Both W.T.U. The refs. shd be properly flagged. D. M. 16/1

NOTE—Contn. sheet

Laid 16/1

D. M. 16/1

15

Final Note by the Second Member of Council.

48)

Subject:-

Notice to be taken of the conduct of Mr.A.Srinivasaraghavachar Munsiff, Bangalore, in regard to certain irregularities and complaints of assault made against him.

In June last one Lakshminarasappa, Shanbhog of Doddabidarkal, of which village Mr. Rangachar alias Ranga Dorey, a cousin and son-in-law of Mr. A. Srinivasaraghavachar, 1st Munsiff of Bangalore, is the Jodidar, applied for sanction to prosecute the Munsiff under the following circumstances. Paper under disposal The petitioner alleged that Mr.Rangachar, who obtained a decree against him in O.S.No.17 of 18-19 on the file of the Second Munsiff's Court at Bangalore, had it transferred to the First Munsiff's Court for execution, got emergent processes for attachment and arrest issued, had him arrested without previous notice and taken to the judgment creditor's house, where Mr.Srinivasaraghavachar also lives, and that on his asking for some time to vacate the house, for the possession of which the decree had been obtained, he was beaten with a cane by Mr.Srinivasaraghavachar.

2. A copy of the petition was sent to the Chief Court for enquiry and report and letter No.257 dated 13th August 1919 from the Registrar of the Chief Court was received in reply. The Judges state that there is no foundation for the complaint of the petitioner that the Munsiff assaulted him and that with regard to the execution proceedings Mr.Srinivasaraghavachar explains that he did not notice the names of parties when he signed the order for attachment and that when 'emergent' process fee is paid the order issues as a matter of course. The Judges further observe that having regard to the former conduct of the Munsiff in the matter of suits by his son-in-law against Lakshminarasappa, which were transferred to the file of the second Munsiff at his own instance the Munsiff might be deemed to have acted in a bonafide manner;

16

but they added that he could not be acquitted of 'carelessness'.

Flag B. 3. The petitioner was thereupon informed that in a case of this kind sanction of the Government for the prosecution of the Munsiff was not necessary.

Flag Z 4. As regards the irregularities noticed in the execution proceedings further enquiries were pursued by calling for the execution records and the explanation of the Munsiff with respect to the following points:-

(1) Why the provisions of the Chief Court circular No.224 dated the 24th August 1912 were not complied with before the warrant of arrest was issued;

(2) Why the judgment debtor after arrest was taken to the house of the Munsiff and under whose orders.

Flag Y. 5. The Munsiff explained that the warrants for arrest of the judgment debtor and attachment of his property were signed by him on the date on which the transfer records were received in his court, that under Chief Court Circular No.123 dated 27th March 1896, which should be read with and which has not been superseded by the circular of 24th August 1912, no notice of arrest is to be sent before issuing the arrest warrant except when the judgment debtor is a man of high status or respectability and that the petitioner was not taken to his house, much less ordered to be brought there.

6. After examining the case I recorded the following minute:-

File note page (10) para (30) "As regards query (1), the explanation of the Munsiff may be accepted it does not appear to be the practice in his court to issue notices before arrest in all cases. The retention of the original R. P. in the Civil Digest might have led the Munsiff or his establishment to think that notice of arrest might issue in the case of respectable persons only.

So page (11) para (31) As regards query (2), the explanation is not so very satisfactory.

17

in his explanation now submitted the Munsiff denies that the judgment debtor was taken to his house. But from the Registrar's letter it appears that he told the Chief Judge that the judgment debtor had come to his house. It cannot however be said that the judgment debtor was brought to his house at the instance of the Munsiff.

File 2 Dis page (1) page (32)

It seems to me that the irregularities noticed in this case, viz (1) the entertainment of the execution application before the receipt of the transferred decree and the action taken thereon (2) the omission to issue notice of arrest before warrant was issued (3) the issue of emergent processes without special orders - are due to over-zealousness on the part of the subordinates of the Munsiff to safe-guard the interests of his son-in-law. But as remarked by the Chief Court, the Munsiff cannot be acquitted of carelessness. As officer in charge of the court, it was his duty to look to these things himself and when he placed so much trust in his officials as to have signed whatever orders were written by them on execution petitions as a matter of course he must take the responsibility of their misdeeds. He may be warned as suggested by the Chief Secretary and he should be transferred from Bangalore."

Page 5 of Office Note

7. The matter was then considered at a meeting of the Council and they have resolved that Mr.Srinivasaraghavachar may be warned in regard to the carelessness exhibited in the case and transferred from Bangalore

Page 13 of do

8. The resolution of the Council may be approved.

9. As the two circulars of the Chief Court referred to above are liable to misconstruction, as in the present instance, on account of their apparently contradictory character, the Chief Court will be requested to consider the desirability of amending the same suitably.

MEMBER OF COUNCIL.

16th January 1920

18

(9)

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* notice to be taken of the conduct of Mr. A. Srinivasaraghavachar, First Munsiff, Bangalore, in regard to certain irregularities and complaints of assault preferred against him, *for His Highness' gracious approval.*

17th January 1920

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

50)

Notice to be taken of the conduct of Mr. A. Srinivasaraghavachar, First Munsiff, Bangalore, in regard to certain irregularities and complaints of assault preferred against him.

765

51) ***Order.***

~~KRW~~

20/1/20

Ch. Leg.

52) [illegible]

21-1-20

G. R. S. III-2]

C. 261

General and Revenue Secretariat. | C/S File No. of 191 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

55) Circulated to the Members of Council for perusal of His Highness' orders ~~before~~ ~~after~~ issue of orders. (*) (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C S Balasundaram
Chief Secretary to Govt. 21/1/20

Through the Secretary to Government,

....Department.

4683-191
22-1-20

FIRST MEMBER OF COUNCIL Seen
54) Seen
23.1.20.

SECOND MEMBER OF COUNCIL 55) Please see the
notes thereon
draft letter
24/1/20

2872
23/1/20

Third
~~TEMPORARY~~ MEMBER OF COUNCIL. 56) Da
23.1

Authority Please
57) Submit a draft please
24/1/20

G. R. S. III-2]

General and Revenue Secretariat. | Ch File No. 1 of 1919.

Serial No.

56) Mano put up draft as ordd & bring up in person
D. M. 24/1.

Draft
25
24/1
KCC Dat-4-50 Pm
24/1/20.

57) Submitted with a draft as per order above
24/1/20

60) The Supdt will kindly revise the draft. It is too long & contains details.
D. M. 27/1.

61) Resubmitted with the draft revised. Another draft to the Reg Chief Court re the amendment of the circular letter of 27.3.96 & 24.8.1912 is also put up; vide last para of the II Member's final note.
AM 2911

and D66 letter to Registrar

62) Draft order, subd for appd
D. M. 30/1.

II Member

63) Draft as revised approved
Lobo
2/2

64) May draft issue?
D. M. 3/2

Chief Secy

Issue
6/2

Mano issued to day
D. M. 6/2

13) Appd, as clear. D66 Secs: to be placed with file.
3761/30-1-20
D. M.

NOTE—Contn. sheet.

6069

22

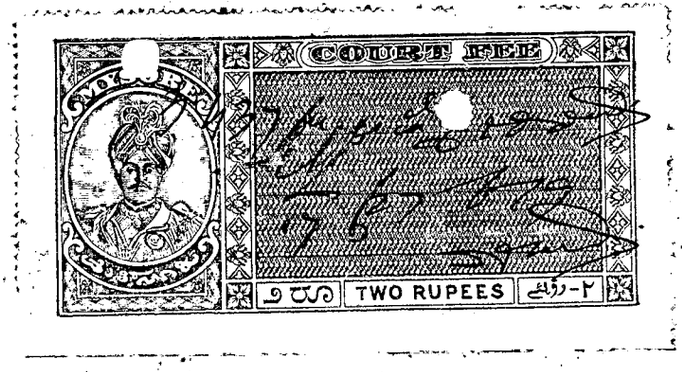
G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 1 of 1919.

Serial No.	
7	To The Registrar, Chief Court & the Comptroller No. G. 18078-9 dt 6th February 1920. States that it is sufficient to give a suitable warning to the Munsiff & transfer him to some Malnad Station
8	To the Registrar, Chief Court No. G. 17880 dt 6th February 20. Suggests to amend the two Chief Court Circulars Nos. 123 & 224 dt 27th Mar 1896 & 24th Aug 1915 respectively in this connection

PROTECTION BRANCH. 19 FEB 1920



Before The Government of His Highness The Maharaja

of Mysore, Bangalore.

Lakshminarasappa, Shanbhogue of Doddabidarakal. .....Petitioner.

I am the Shanbhogue of Doddabidarakal of which village one Mr. Rangachar alias Ranga Dorey is the Jodidar. The Jodidar filed a suit against me for - possession of a certain house in the said village. This suit was finally tried and determined by the Second Munsiff of Bangalore as O.S.No.17 of 18-19. The suit was decreed with costs against me on 26-5-19. I have applied for copies of judgment and decree and intend to appeal from this decree.

In the meanwhile, the plaintiff got an immediate transfer of the decree to the First Munsiff of Bangalore for execution without my knowledge, to whom he made an application for execution. The first Munsiff who is the father-in-law and cousin of the plaintiff made an order for immediate delivery of possession and for my arrest for costs without issuing me any notice of execution. If a notice of execution had issued to me I should have deposited the costs and applied for stay of execution. On 18-6-19, early in the morning at about 7 o'clock, the Amin arrested me near Yesavantpur on my way to Bangalore & ne took me to the plaintiff's house where the said Munsiff also lives. I understand that this was done as per - instructions of the said Munsiff.

When I was thus taken to the plaintiff's house

the Munsiff Mr. A. Srinivasa Raghavachar who was there asked me, whether or not I would vacate the house at once. I said it would require some fortnights' time for me to vacate it. Thereupon the Munsiff struck me with his fist on my mouth causing a contusion on my upper lip and gum. Then he beat me with a cane on my right hand, a little below my knee and several other parts of my body. He also kicked me on my thigh.

I desire to prosecute the said Munsiff Mr. A. Srinivasa Raghavachar, for the offences he has thus unjustifiably committed. I understand that the sanction of the Government is necessary for this purpose.

I therefore pray that the Government of His Highness the Maharaja of Mysore may be pleased to grant me the necessary sanction in this behalf. I beg leave to add that I have also obtained the required Medical Certificate from the Victoria Hospital

ಹೆಚ್. ಎಸ್. ವೆಂಕಟರಾಮಯ್ಯ

ಇ. 27-6-9

Bangalore

By Regd Post
11/11/19.

Lakshmi Narasayya Shanbhog of Kanyanpatta Doddabidara-Kallu Bangalore Taluk. 25

Represents that he finds it difficult to get sufficient evidence to prosecute Mr. Sreenivasa Raghavachar in a criminal court as the persons present at the time of the assault are all his subordinates and prays

ಪೆಟ್ಟಿಷನ್ ಅನ್ನು ನೀಡಿದ್ದಾನೆ ಅದರಲ್ಲಿ ಅವನು ತನಗೆ ಸಾಕ್ಷಿ ಹೇಳುವುದಕ್ಕೆ

that he may be transferred elsewhere to enable him to get sufficient evidence in his favour.

ಸಾಕಷ್ಟು ಸಾಕ್ಷಿಯನ್ನು ಪಡೆಯಲು

Petn. no. 118
14/11/19

ಪೆಂಕಟಪ್ಪನವರು ತಮ್ಮ ಅಳಿಯಂತಕ್ಕಡದ ಕೃಷ್ಣಪ್ಪನವರಿಗೆ
ಸುಮಾರು ಮೂರು ವರ್ಷಗಳ ಹಿಂದೆ ಕೆಲವು ಕಾರಣಗಳಿಂದ ಕೃಷ್ಣಪ
ಪನವರಿಗೂ ಅವರ ಅಣ್ಣತಮ್ಮಂದಿರಿಗೂ ವೈಮನಸ್ಯವುಂಟಾಗಿ ಅವರು
ಅವರಿಂದ ಬೇರೆಯಾಗಿ ಹೋಗಿದ್ದರು. ಆಗ ಪೆಂಕಟಪ್ಪನವರು
ಅವರಿಗೆ ಸಹಾಯಮಾಡಿ ಅವರ ಜಮೀನನ್ನು ಅವರಿಗೆ ಕೊಡಿಸಿದರು.

ಪೆಂಕಟಪ್ಪನವರು I ನೇ ಸಾಕ್ಷಿಯಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ "ಶ್ರೀ
ನಿವಾಸಯ್ಯನವರು ಪೆಟ್ಟು ಕೊಟ್ಟಿದ್ದನ್ನು ನೋಡಿದ್ದೇನೆ" ಎಂದು ಹೇಳಿದರು.
ಆನಂತರ ನನ್ನನ್ನು ಪೆಂಕಟಪ್ಪನವರು II ನೇ ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆಗೆ
ಸಾಕ್ಷಿಯಾಗಿ ಕರೆಸಿದ್ದರು. 1918-19 ನೇ ಇಸವಿಯಲ್ಲಿ
17 ನೇ ನಂಬರಿನ ದಾವೆಯಲ್ಲಿ ಲಿಡೆದ ಡಿಕ್ರಿಯಂತೆ 20 ನಿವೃತ್ತಿಗಳ
ಪೈಕಿ 19.20 ನೇ ಇಸವಿಯಲ್ಲಿ 1837 ನೇ ನಂಬರಿನಲ್ಲಿ
ಕರಾರಿನ ಪ್ರಕಾರ 19.20 ನೇ ಇಸವಿಯಲ್ಲಿ ಮೂರು ಕಂತಿನಲ್ಲಿ 1837 ನೇ ನಂಬರಿನ
ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಡಿಕ್ರಿಯಾಗಿತ್ತು. ಪ್ರ. ಠ ಪ್ರಕಾರ ಮೊದಲನೆಯ ಕಂತಿನ
ಪ್ರಕಾರ ಇಪ್ಪತ್ತೈದು ಪೈಕಿ ಹದಿನೈದು ಕೊಟ್ಟಿದ್ದರು. ಉಳಿದ ಹತ್ತರಲ್ಲಿ
ಲಪಿಡಿಸಿ ವಸೂಲ್ ಮಾಡುವುದಕ್ಕಾಗಿ ಒಂದು ದಾವೆ - ಮಂಚಿ ತಾಲೂಕಿನ
ಆರ್ ಡಿಪರು ವರ್ಸಸ್ ನನ್ನನ್ನು ಪ್ರತಿವಾದಿಯನ್ನಾಗಿ ಮಾಡಿ ನನ್ನನ್ನು
18.6.19 ನೇ ಇಸವಿಯಲ್ಲಿ ಸಿವಿಲ್ ಕೋರ್ಟಿಗೆ ಎಳೆದರು. ಅಲ್ಲಿ ನನ್ನನ್ನು ಮಾಡಿದ
ಮುಖ್ಯ ಪ್ರಶ್ನೆಗಳು ಮಿಲಿಸ್ಟೈಕೆ ಪೇದೆಗಳು ಮಂಡಿಕೆಳಗಳು ಇವನ್ನು ವಿಚಾರಿಸಿದ
ಬಳಿಕ ಮೊಕದ್ದಮೆಯನ್ನು ಮುಂದೂಡಿದರು. ಆಗ ನಾನು ಕೋರ್ಟಿಗೆ 29.6.19 ರಲ್ಲಿ ಹಾಜರಾ
ಗಿದ್ದೆನು. ಆಗ ಅವರು ಮೊಕದ್ದಮೆಯನ್ನು ಕೈಬಿಟ್ಟರು. ಆಗ ಅವರ ಪರವಾಗಿ
ಹಾಜರಾಗಿದ್ದ ವಕೀಲರು ಮೊಕದ್ದಮೆಯನ್ನು ಕೈಬಿಡುವುದಾಗಿ ಹೇಳಿದರು. ಆಗ
ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಕೇಳಿದೆ. ಆಗ ಅವರು ಖರ್ಚಿನ ಬಗ್ಗೆ ಏನೂ ಹೇಳಲಿಲ್ಲ.
ಆಗ ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಹೇಳಿ ಎಂದು ಕೇಳಿದೆ. ಆಗ ಅವರು ಖರ್ಚಿನ ಬಗ್ಗೆ
ಏನೂ ಹೇಳಲಿಲ್ಲ. ಆಗ ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಹೇಳಿ ಎಂದು ಕೇಳಿದೆ. ಆಗ ಅವರು
ಖರ್ಚಿನ ಬಗ್ಗೆ ಏನೂ ಹೇಳಲಿಲ್ಲ. ಆಗ ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಹೇಳಿ ಎಂದು ಕೇಳಿದೆ. ಆಗ
ಅವರು ಖರ್ಚಿನ ಬಗ್ಗೆ ಏನೂ ಹೇಳಲಿಲ್ಲ. ಆಗ ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಹೇಳಿ ಎಂದು ಕೇಳಿದೆ.
ಆಗ ಅವರು ಖರ್ಚಿನ ಬಗ್ಗೆ ಏನೂ ಹೇಳಲಿಲ್ಲ. ಆಗ ನಾನು ಅವರಿಗೆ ಖರ್ಚಿನ ಬಗ್ಗೆ ಹೇಳಿ ಎಂದು ಕೇಳಿದೆ.

ಕೆಲಸಕ್ಕೆ ತೆಗೆದುಕೊಂಡಿದ್ದಕ್ಕೆ ನಾನು ಅವರಿಗೆ ಸಂಬಳ ಕೊಡುತ್ತಿದ್ದೆ. ಆದರೆ ಕಳೆದ ಕೆಲವು ತಿಂಗಳಿನಿಂದ ಅವರು ಸರಿಯಾಗಿ ಕೆಲಸಕ್ಕೆ ಬರುತ್ತಿರಲಿಲ್ಲ. ಅಲ್ಲದೆ ಅವರು ಕೆಲಸಕ್ಕೆ ಬಂದಾಗಲೂ ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿರಲಿಲ್ಲ. ಅವರಿಗೆ ಹಲವಾರು ಬಾರಿ ಎಚ್ಚರಿಕೆ ನೀಡಿದ್ದೆ. ಆದರೂ ಅವರು ತಮ್ಮ ಕೆಲಸದಲ್ಲಿ ಸುಧಾರಣೆ ತೋರಿಸಲಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವರನ್ನು ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಲು ನಿರ್ಧರಿಸಿದೆ. ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ವಿಷಯವನ್ನು ತಿಳಿಸಲು ನಾನು ಅವರ ಮನೆಗೆ ಹೋದೆ. ಆದರೆ ಅವರು ಮನೆಯಲ್ಲಿ ಇರಲಿಲ್ಲ. ಅವರ ಹೆಂಡತಿಯಿಂದ ಅವರು ಕೆಲಸಕ್ಕೆ ಹೋಗಿದ್ದಾರೆ ಎಂದು ತಿಳಿದುಬಂತು. ಅವರ ಹೆಂಡತಿಗೆ ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ವಿಷಯವನ್ನು ತಿಳಿಸಲು ಹೇಳಿದೆ. ಅವರು ಮರುದಿನ ಬೆಳಿಗ್ಗೆ ನನ್ನ ಮನೆಗೆ ಬಂದರು. ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ವಿಷಯವನ್ನು ತಿಳಿಸಿದೆ. ಅವರು ಕೆಲಸಕ್ಕೆ ಸರಿಯಾಗಿ ಬರುವುದಾಗಿ ಭರವಸೆ ನೀಡಿದರು. ಆದರೆ ನಾನು ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ನಿರ್ಧಾರವನ್ನು ಬದಲಾಯಿಸಲಿಲ್ಲ. ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ವಿಷಯವನ್ನು ತಿಳಿಸಿದೆ. ಅವರು ಕೆಲಸಕ್ಕೆ ಸರಿಯಾಗಿ ಬರುವುದಾಗಿ ಭರವಸೆ ನೀಡಿದರು. ಆದರೆ ನಾನು ಅವರಿಗೆ ಕೆಲಸದಿಂದ ತೆಗೆದುಹಾಕಿದ ನಿರ್ಧಾರವನ್ನು ಬದಲಾಯಿಸಲಿಲ್ಲ.

ಶಾಲಾಧ್ಯಕ್ಷರ ಲಕ್ಷ್ಮೀನಾರಾಯಣ ಕೆಳಗಿನ

ಶಾಲಾ ಸಂಖ್ಯೆ — ೧೧-೧೨

10/7

28

G. S. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* 191 .

Date of issue 15/7/09

Signed by [illegible]

P.W.D

Section C5

File No. 1-19

Serial No. 2

No. G1061

To

The Regr. Chief Court

Sir,

I am directed to forwarded herewith a copy of the petn. dy 27-6-09 from one Lakshminarayana Rajanna praying for ~~sanction~~ sanction to prose. Mrs. S. Srinivasa Raghavacharlu first Munsiff, Bangalore for assault &c and to request ~~you to~~ ~~cause~~ ~~so good as to~~ make a

over.

D2 Dis. No. 257/19-20. Encls: 1 File.

DIARY No. 30 3355.

Chief Court of Mysore,

Bangalore, dated ~~14th~~ 13 Aug: 1919.

15

From

G. Sreenivasa Iyer Esq., B.A., M.L.,

Registrar of the

Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

Sir,

With reference to your letter No.G.1206 II Cts. I-192 dated 15th July 1919, calling for a report in the matter of an alleged assault of one Lakshminarasayya by Mr. A. Srinivasaraghavachar, First Munsiff of Bangalore, I am directed to forward herewith copy of the report No.23 dated 8th August 1919 submitted by the District Judge of Bangalore, together with its enclosures.

With regard to the execution proceedings, Mr. Srinivasaraghavachar assures the Chief Judge that he did not notice the names of parties when he signed the order for attachment and there seems no reason to disbelieve him. He explains the 'emergent' attachment by the statement that when 'emergent' process fee is paid the order issues as of course, and this is probably correct. It is likely judging from his former conduct in the matter of suits by his son-in-law against Lakshminarasappa, that he would, had he recognised the real state of affairs, have got the execution transferred, but he cannot be acquitted of carelessness.

31

As for the assault, the Munsiff told the Chief Judge that the allegations that he assaulted the judgment debtor is not true, and that as a matter of fact he was not at his house when the judgment debtor came there. Judging from the state of feeling between the judgment-debtor and the Munsiff's family and the fact that though the assault is alleged, so far as can be made out, to have been on the 18th of June, and the petition was not presented till the 27th, and also taking into consideration the fact that the judgment-debtor had just been evicted and made to pay costs to his enemy, the complaint is as likely as not to be without foundation.

I have the honour to be,

S i r,

Your most obedient servant,

R Srinivasa Rao

R E G I S T R A R.

D.O.No.23. Office of the District Judge,
Bangalore, dated 8th August 1919.

Dear Mr. Sreenivasa Iyer,

Adverting to your D.O. letter No.14 dated 18th July and your reminder of the 1st instant asking me to enquire into an allegation of assault made by one Lakshminarasayya against Munsiff Mr. A. Srinivasaraghavachar, I submit for the perusal of the Judges the following report:--

O. S. 17 of 18-19 on the file of the Second Munsiff's Court, Bangalore, was originally instituted in the 1st Munsiff's Court, and was transferred to the 2nd Court as per Proceedings of this Court No.4846-47/C.324 dated 22-6-18. The 2nd Munsiff disposed of the suit on the 26thof May last. An application was made to him for transfer of the decree on the 12th June last by the decree holder C.V.Rangachar and the 2nd Munsiff ordered its transfer on the 16th June. The transfer record was forwarded by the 2nd Munsiff to the 1st Munsiff's Court on the 17th idem, with his docket No.317 dated 16/17-6-19. This record was received in the 1st Munsiff's Court on the 17th. But an application for execution of the decree No.1839 of 18-19 was presented in the 1st Munsiff's Court on the 16th June and orders were passed on the same day, i.e. before the transfer records were received by the 1st Munsiff. Orders for delivery of possession of a house, for the attachment of moveables and for the arrestof judgment-debtor for the cost were passed by the Munsiff and all the three warrants were made returnable by the 25th July 19. There is no order in the order sheet for the issue of emergent process, but the word emergent has been written on the attachment, arrest and delivery warrants issued from the Court and they have been initialled by the Munsiff. These three processes were issued on the 17th and were made returnable on the 20th of June. But the warrants were actually returned by Amin

Appanna Iyer

Appanna Iyer on the 19th June. On the 20th idem a receipt was produced by the decree holder's advocate and payment was ordered on the 23rd of June and a cheque was actually issued on the 25th idem. The execution case was taken up in Court on the 23rd June i.e. about a month previous to the date fixed for hearing and satisfaction was ordered to be entered up.

3 I have submitted the entire execution record for perusal. The delivery receipt in the case is dated 18th June though the report of the delivery and the receipt of money are reported by the Amin on the 19th. I sent for Appanna Iyer and asked him about what happened in the Munsiff's house when he took the judgment debtor under arrest. He denied having taken him at all to the Munsiff's house. The judgment debtor was sent for and on the information furnished by him I ascertained that a Process Server had accompanied Amin Appanna Iyer when he went to deliver possession and to recover money by arrest and attachment. This man was one Nanjunda Bhatta, a second grade process server in the 1st Munsiff's Court, Bangalore. On being questioned, Nanjunda Bhatta admitted that at 7 O'clock when he went to the house of the Munsiff on the 18th morning the judgment debtor had been brought there by Appanna Iyer and that he found the Munsiff chastising the judgment-debtor. But on being asked to give a written statement he somewhat varied his original statement. He stuck to the fact that the Amin and the judgment debtor were in the house of the Munsiff at 7 a.m on the 18th morning and that he was taken from there to deliver the house to the decree holder's gumasta and that the delivery was completed by about 11 O'clock the same forenoon. Appanna Iyer was thereupon asked to give a written statement. He does not admit having taken the judgment debtor at all to the Munsiff's house on the morning of the 18th June. The judgment debtor, Lakshminarasayya whom I questioned touching the

In his Statement

the facts mentioned in his complaint petition, produced a certificate before me purporting to have been given to him on the 20th or 21st (the date of which I do not exactly remember). At least one of the injuries noted in it seemed to be a contusion 2 inches by one, on one of the thighs; but that is not conclusive until regularly proved.

4 On questioning Lakshminarasayya, he stated that there was none within the compound when he was assaulted by the Munsiff, but that a man by name Venkataramiah was passing on the road just outside the compound and that he might have ~~xxxx~~ seen the assault. He also mentioned that a complaint had been filed against him in the second class Magistrate's Court by Krishnamachar, the agent of the decree-holder, Mr. C.V.Rangachar. I obtained a copy of this belated complaint petition. It appears to have been presented on the 18th July and stands posted for to-day for hearing. The petitioner Lakshminarasayya told me that overtures were made to him for a compromise by interested parties with a promise that in the counter-case the complaint would also be withdrawn.

5 I have obtained the Munsiff's explanation and forward it along with this report. The Munsiff denies having assaulted the man and mentions certain other facts which may be considered by the Chief Court. It can be seen, however, that the Munsiff hasinterested himself to some extent in the suits filed by his cousin who is also his son-in-law. I am at a loss to know why the Munsiff who was so persistent in asking for the transfer of original suits instituted in his Court could not at once perceive from the order sheet placed before him that the decree holder was no other than his own son-in-law and ask for the decree being re-transferred to the 2nd Munsiff. In fact he might have advised his son-in-law once for all to execute his decrees also in the Second

Munsiff's Court without applying for a transfer.

6 It is a matter for consideration by the Judges as to whether the Munsiff could not have been aware about a decree having been passed by the Second Munsiff and whether his advice as to where it should be executed could not have been sought for, considering the fact that the Munsiff and his son-in-law were both living under the same roof.

7 I have enclosed herein in original the explanations of Amin Appanna Iyer and process server Nanjunda Bhatta.

Yours sincerely

Sd/- N. T. Gopaliengar,

DISTRICT JUDGE.

C O P Y.

REGISTRAR.

O.O.

LIST OF ENCLOSURES.

1. Explanation dated 2-8-19 of Process Server Nanjunda Bhatta.
2. Do. dated 3-8-19 of Amin Appanna Iyer
3. D.O. No.3. dated 5-8-19 from Mr. A. Srinivasaraghavachar, 1st Munsiff, Bangalore.
4. Copy of letter No.519 dated 3-3-19 from the 1st Munsiff Bangalore, to the District Judge, Bangalore.
5. Copy of docket No.3653/1133 dated 6-3-19 from the District Judge, Bangalore to the 1st Munsiff, Bangalore.
6. Copy of docket No.4463/1378 from the District Judge, Bangalore, to the 1st Munsiff, Bangalore.
7. Copy of letter No.814 dated 18-6-19 from the 1st Munsiff, Bangalore, to the District Judge, Bangalore.
8. Copy of complaint petition in Criminal case No.C. of 1919-20 on the file of the second class Magistrate, Bangalore.

Sd/- N.T. Gopaliengar,
District Judge.

C O P Y.

Srinivasa Iyer

R E G I S T R A R.

G. R. S. VI—G/32] 119 2855/37

SUBJECT Informing that no Sanction of Govt is necessary for Prosecution

Diary No. of letter replied to.....

Section Cb
File No. 1-19
Serial No. 4

GENERAL AND REVENUE SECRETARIAT
(
the 191 .

No. 5717

Endorsement

Date of issue 19/9/19

To

Signed by.. M.V. Rice

Lakshminarasappa, Shanbhogu of Doddabidarakal, Bangalore.

With reference to his petition ~~to the Govt of H.H. the Maharaja of Mysore~~ dt 27-6-19 praying for Sanction to Secute Mr. A. Srinivasa Raghavachar munsiff, Bangalore, for alleged assault the petitioner is informed that ~~that~~ no Sanction ~~could be granted for~~ as ~~there seems~~ no necessity for it.

By order

~~can be given as~~ no sanction

Govt is necessary in the matter.

Chief Secretary

19/9/19

over.

1879

W. 19.

G. R. S. VI—G/32]

38

SUBJECT.....

.....

.....

No. of letter replied to... 3353 .....

GENERAL AND REVENUE SECRETARIAT
( ),
the *191* .

Section Courts
File No. 1—19
Serial No.

No. 5717

Date of issue..... 19/9/19

Signed by.. ..... M Rao

To

The Registrar of the
Chief Court of Mysore

Sir,

With reference to your letter No. the correspondence ending with
dis. no. 257/19-20 dt 13/15th Aug 1919
~~forwarding Copy of the report no. 23 dt 8th~~
~~Aug 19 submitted by the District Judge of~~
~~Bangalore, together with its enclosures~~
in the matter of an alleged assault by
one Lakshminarasayya, the First Munsiff, Bangalore
I am directed to request you to be so good as to obtain and
~~to State that Government desire to get~~
~~Call for~~ forward the Execution records in the Case
~~Concerned. So, I am directed to call~~
~~for the Records Concerned, viz: C.S. no 17~~
~~of 18-19 on the file of the Second Munsiff~~
~~P.C.~~ over.

Yours

for Chief Secy

4773 dt 1-19-5

40

To

the Registrar,

Chief Court of Mysore.

Sir,

With reference to the correspondence ending with your letter D2.Dis.No.257/19-20 dated 13/15th August 1919 in the matter of an alleged assault against one Lakshminarasayya by the First Munsiff, Bangalore, I am directed to request you to be so good as to obtain and forward the execution records in the case together with the explanation of the Munsiff upon the following points:-

(1) Why ~~notice of arrest was not given to the judgment debtor under the terms~~ of the Chief Court Circular No.224 dated 24th August, 1912 were not complied with before the warrant of arrest was issued

(2) Why the judgment debtor after arrest was taken to the house of the Munsiff and under whose orders.

I have the honor to be,

Sir,

Your most obedient servant,

Chief Secretary to Government.

R.O.C. No 407

1 and 19-20
Encs 16 records of
Execution Case.

DIARY NO. 6069
1919-1920
Courts

Chief Court of Mysore,
Bangalore, the 6/8th October 1919.

41

1-19

From

G.Sreenivasa Iyer, Esq., B.A.,M.L.,
Registrar of the Chief Court of Mysore,
Bangalore.

SEC. TO GOVT. MYSORE
Ch Secrt
10 OCT 1919

To

C.S.Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

Adverting to your letter No.G.7173/Cts.1-19-5 dated the 19th September 1919, requesting to forward the execution records together with the explanation of the First Munsiff of Bangalore upon certain points in connection with the alleged assault, against one Lakshminarasayya by the said Munsiff, I am directed to forward herewith copy of the explanation furnished by Mr. A. Srinivasaraghavachar together with the records in the marginally noted cases.

Execution No.1837/1918-19
" 1657/1914-15
" 1609/1912-13
" 1629/1912-13
" 1614/1912-13
" 1620/1912-13
on the file of the First Munsiff, Bangalore.

I have the honor to be,
Sir,
Your most obedient servant,

For REGISTRAR.

42

Bangalore,

27-9-19.

Dear Mr. Gopaliengar,

Forwarded in original to the Registrar, Chief Court.

Sd. N.T.Gopaliengar, District Judge.

29th Sept.19.

With reference to your D.O. dated 24th instant, I have the honor to submit that the initial mistake was in my not scrutinising the names of parties in the execution case to which my attention was not drawn, when signing a large number of applications in chambers. It is well nigh impossible to scrutinise the names when 50 or 60 applications are brought up for signature at a time in a busy Court like this.

The execution clerk checks the applications with reference to C.P.C., Rules of Practice, prayer, etc., and makes a note of the order to be passed and brings it up for signature. In this connection I find that the date put above the first order is 16-6-19. As a matter of fact applications are not brought up for signature on the day they are filed, and the practice in this and other courts is for the clerk to bring the applications of the previous day for signature, the next day in the morning before I go on the Bench. The order must have been initialled by me on the 17th. I find that I have signed the warrants only on the 17th.

× Flag F.

× Flag G.

As regards want of arrest notice I beg to invite attention to C.L. No.123 dated 27-3-1896 which is still in force and not abrogated and has to be read with C.L. No.224 dated 24-8-1912. Under the former rule indiscriminate issue of arrest notice in all cases is condemned and notice is necessary only in the case of respectable persons. The practice in all the courts so far as I am aware is to issue arrest notice only in the case of Government servants or where there is anything in the occupation or description of the judgment-debtor as stated in the execution application to show that he is of high status or respectability. In many

Civil Digest page 35 last para under (a) Arrest

Civil Digest page 36 para 2 under the heading (a) arrest.

cases

40

cases from the description given by the decree-holder it is impossible to say whether the judgment-debtor is respectable or not. I herewith submit a few out of many recrods of cases disposed of by my predecessors to show the practice in courts. A reference to Execution 1657/1914-15 will show that the judgment-debtor being a ''Mandi'' holder was not deemed sufficient for issue of arrest notice. In the present execution application there is nothing in the description of the complainant Lakshminarasappa to show what was his status whether respectable or otherwise. He has not been even described as a shanbogue, prabably because he is no longer that. Notice of arrest was therefore not sent.

As regards the second point. On the morning in question (18-6-19) the greater portion I was absent from the house attending sites auction in Hardingepur Extension. During the time I was at home the man was never brought at all, much less did I issue orders to bring him. I am informed by my son-in-law and others, that even after I left, he was not brought here. I do not know what is the evidence to show that the man was brought here as I have had no access to the enquiry record of statements of witnesses but the complainant has been concocting evidence, I am afraid. When the record was with Government and less than 15 days back the Amin (Appana Iyer) who had been entrusted with the warrants came and told me that some persons interested in the complainant came and tried to persuade him to give a statement supporting the complaint and implicating me and the incentive was also used that as the undersigned would probably be transferred as a result of this complaint the Amin need not be afraid to state anything against me, etc.

Yours sincerely,

Sd. A.Sreenivasaragavachari,
First Munsiff, Bangalore.

Enclosures:- Records in
Exn. 1837/18-19
" 1657/1415
" 1609/12-13
" 1629/12-13
" 1614/12-13
" 1620/12-13.

"COPY"

For REGISTRAR.

MS 1-19-7

+4

Proceedings of the Government of
H.H. the Maharaja of Mysore.

Read:-

Petition dated 27-6-1919 from one Lakshminarasappa, Shanbhogue of Doddabidarkal, complaining against Mr.A.Srinivasaraghavachar, 1st Munsiff of Bangalore, for an alleged assault by him in connection with the execution of the decree against the petitioner in O.S.No.17 of 18-19 on the file of the Second Munsiff's Court, Bangalore, in which one Mr.Rangachar cousin and son-in-law of the Munsiff was the Plaintiff.

2. Correspondence ending with letter No.R.O.C.407/19-20 dated 6/8th October 1919 from the Registrar, Chief Court, forwarding, with the opinion of the Judges, the execution records of the case together with the explanation of Mr.Srinivasa Raghavachar in regard to the alleged assault and certain irregularities noticed in the execution proceedings.

Order No. 18078-9 Records

Dated Bangalore the 6/12/1920.

Government agree with the Chief Court that there is no truth in the allegation that Mr.Srinivasa Raghavachar assaulted the petitioner in his house. On perusing the records of the execution proceedings, however they find that the execution

on behalf of his son-in-law

application was entertained and orders were passed thereon for the attachment of the property of the judgment debtor and his arrest before the decree and the transfer of records ~~and~~ were received from the Court of the 2nd Munsiff. Government think that these irregularities were not intentional on the part of Mr.Srinivasa Raghavachar, but they agree with the Chief Court in thinking that the Munsiff cannot be acquitted of carelessness.

2. In the above circumstances Government consider that it is sufficient if a suitable warning is conveyed to Mr.Srinivasa Raghavachar and ~~posted~~ he is transferred to a Malnad station, ~~and~~ the Chief Court are requested to take action accordingly.

Chief Secretary to Govt

To

The Registrar, Chief Court,
returning the records.

" Comptroller to Government.

B.K.M.

CS 1-19-8. G.18080 9/6/20 46

To

The Registrar,

Chief Court of Mysore.

Sir,

With reference to the correspondence ending with your letter No.R.O.C.407/19-20 dated 6/8th October 1919 regarding the complaint made by one Lakshminarasappa against Mr.A.Srinivasa Raghavachar, First Munsiff, Bangalore, I am directed to forward herewith copy of G. O. No. G18078-9 dated 6/2/20 on the subject.

2. In this connection I am to state that the two circulars of the Chief Court noted in the margin and relied on by the Munsiff in his explanation are liable to be misunderstood and to suggest the desirability of amending them suitably so as to make their meaning more clear.

No.123 dated 27-3-1896
" 224 do 24-8-1915

I have etc.,

Chief Secretary to Govt.